



EXCHANGE

ARMY & AIR FORCE EXCHANGE SERVICE
P.O. Box 650060
Dallas, TX 75265-0060
Phone 214-312-6103; FAX 214-465-2912

GC-E

May 22, 2013

FA-13-0325

FOIA Acknowledgement, Requestor Status, Fees

Mr. Michael Morisy
MuckRock News
DEPT MR 5571
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This is to notify you of the status of your Freedom of Information Act (FOIA) request sent to the Army and Air Force Exchange Service (Exchange). On May 14, 2014, the Exchange FOIA office received your response relative to our May 10, 2013 letter. Thank you for responding. We have revisited our decision to classify you as "Favored" FOIA requestor and are currently denying your fee waiver.

After further review of your website, www.muckrock.com, the Exchange has determined that our initial clarification of you as a "favored" requestor was incorrect. Based upon our review, it appears you are obtaining responsive pages relative to this FOIA request for someone who is paying for your FOIA services or using this request in a marketing technique to obtain MuckRock clients. Therefore, the Exchange has determined you have a commercial interest and will classify you as such.

You provided no justification relative to your request for a fee waiver. Therefore, the Exchange FOIA office is not approving a waiver. As a commercial entity the following fees may be associated with processing your request.

- All search, reviewing and excising hours spent processing your request may be charged up to \$44.00 per hour.
- Responsive pages which are released by any means, including electronic, will be charged at a rate of \$0.15 per page.
- Charges are still due even if we have no responsive documents or if a determination is made that the documents involved are exempt from disclosure or release is made by e-mail or fax.
- A no record certification will be charged as a released page.
- Notarized certifications and notarized no records declaration will be charged at a rate of \$15.00 to cover the actual time and dollars spent in preparing such documents.

Mr. Michael Morisy
MuckRock News
FA-13-0325

- Should you request responsive documents be overnighted to your address, a fee for the actual expense will be charged.

Based upon the above guidelines, I have determined the cost to process this request is \$414.28. Once we receive your acknowledgement of our interpretation of your request as noted in our May 10 letter and an agreement to pre-pay the amount listed above, your request will be processed. You may mail a check or money to the following address.

Army and Air Force Exchange Service
Attn: Office of the General Counsel – FOIA
P.O. Box 650060
Dallas, TX 75265-0060

Should you have any questions or concerns, you may reach me by phone at 214-312-6103 or by e-mail schreuste@aafes.com.

Pursuant to DoD 5400.7-R_AFMAN 33-302, the decision to revisit your FOIA classification and the denial of your fee waiver is made on behalf of Mark H. Patterson, Colonel, USAF, Initial Denial Authority for the Exchange under FOIA. We will revisit our decision of the fee waiver should you provide us with appropriate justification. You may appeal this decision by sending a letter to the Secretary of the Army postmarked no later than 60 calendar days after the date of this letter. Any appeal must include such reasons for reconsideration and a copy of this letter. Please note that all FOIA requests will be tolled until the appeal is complete. Address your letter to Secretary of the Army, Office of the General Counsel, THRU: HQ Exchange, ATTN: GC-E, P.O. Box 655060, Dallas, TX 7526-0060.

Sincerely,



Encl

May 10, 2013 Letter
Copy of Request

TERESA SCHREURS
Paralegal III, FOIA/Privacy Manager
Executive Division
Office of the General Counsel